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6 IN THE UNITED STATES DISTRICT COURT  
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8 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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10 GEO. M. MARTIN COMPANY, a California  
11 corporation, and THE MARTIN FAMILY  
TRUST - 1989,

No. C 07-00692 WHA

12 Plaintiffs,

**ORDER DENYING REQUESTS TO  
FILE UNDER SEAL**

13 v.

14 ALLIANCE MACHINE SYSTEMS  
15 INTERNATIONAL, LLC, a Wyoming  
corporation,

16 Defendant.  
17 \_\_\_\_\_/

18 Plaintiffs and defendant's requests to file documents under seal are **DENIED**. In  
19 *Kamakana v. Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006), the Ninth Circuit held that *more*  
20 than good cause, indeed, "compelling reasons" are required to seal documents used in  
21 dispositive motions, just as compelling reasons would be needed to justify a closure of a  
22 courtroom during trial. Otherwise, the Ninth Circuit held, public access to the work of the  
23 courts will be unduly compromised. Therefore, no request for a sealing order will be allowed  
24 on summary judgment motions (or other dispositive motions) unless the movant first shows a  
25 "compelling reason," a substantially higher standard than "good cause." Only social security  
26 numbers, names of juveniles, home addresses and phone numbers, and trade secrets of a  
27 compelling nature (like the recipe for Coca Cola, for example) will qualify. *If the courtroom*  
28 *would not be closed for the information, nor should any summary judgment proceedings, which*  
*are, in effect, a substitute for trial.*

1           Plaintiffs and defendant have failed to meet their burden. In their motions to seal,  
2 plaintiffs and defendant have listed over twenty documents to be filed under seal. Some of the  
3 documents belong to plaintiffs and some to defendant. Neither plaintiffs nor defendant,  
4 however, have given a “compelling reason” for any of the documents to be filed under seal. In  
5 addition, a party may not meet their burden by simply designating a document as confidential.  
6 Such circumstances would confer upon the parties the power to seal any document it so  
7 chooses. For the foregoing reasons, all requests to file under seal are **DENIED**.

8           **IT IS SO ORDERED.**

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10 Dated: March 12, 2008.



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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE